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PTO/SB/21 (05-03)

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Application Number	10/625,267
Filing Date	7/23/2003
First Named Inventor	Breslin et al.
Art Unit	8405
Examiner Name	Jason L. Savage
Attorney Docket Number	28810/04002

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
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<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
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<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Return receipt postcard	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Warren M. Haines II (Reg. No. 40,632)	Customer Number	24024
Signature			
Date	9/23/05		

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Joyce Ford		
Signature		Date	9/23/2005

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Joyce Ford

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Appl. No. : 10/625,267 Confirmation No. 8405
Applicant : Breslin et al.
Filed : 7/23/2003
Title : **IMPROVED CERAMIC/METAL MATERIAL AND METHOD
FOR MAKING SAME**
TC/A.U. : 1775
Examiner : Jason L. Savage
Docket No. : 28810/04002
Customer No. : 24024

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY

Sir:

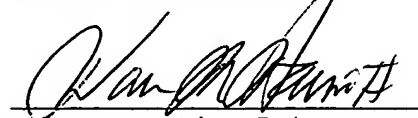
In response to the Restriction Requirement dated August 25, 2005, Applicants elect to pursue in this application claims 1-23 and 38-41, identified as Invention I, with traverse.

The Office Action asserts that Inventions I and II are distinct, but related as process of making and product made. However, "[t]here are **two** criteria for a proper requirement for a restriction between patentably distinct inventions (A) The inventions must be independent; **and** (B) **There must be a serious burden on the Examiner if restriction is required.**" MPEP § 803, citations omitted, emphasis added. Thus there are *two* requirements for restriction: independence or distinctness *and* a serious burden. Both are required. Section 803 states that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Applicants respectfully submit that restriction is not proper in this case because search and examination can be made of the entire application without serious burden. Thus, Applicants respectfully request reconsideration of and withdrawal of the restriction requirement.

It is believed that there is no fee associated with the filing and consideration of this response. **Should the Commissioner decide that any fee is due, the Commissioner is hereby authorized to charge any and all fees incurred as a result of this response to deposit account number 03-0172.**

Date: 9/23/05

Respectfully submitted,



Warren M. Haines II (Reg. No. 40,632)
Customer No. 24024